

REMARKS

Responsive to the lack of unity determination imposed in the outstanding Official Action of November 20, 2006, applicants elect Group I, claims 1-11, drawn to methods for determining the presence of colorectal tumors or pre-cancerous tumors. As to the election of species requirement, applicants provisionally elect Method 2, with primer pairs, A, C, and D, with traverse.

Applicants respectfully submit that the election of species requirement imposed in the outstanding Official Action does not comply with the requirements of PCT Rules 13.1 and 13.2. MPEP §1893.03(d) plainly states that when making lack of unity invention requirements, the Patent Office must explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group.

The outstanding Official Action plainly fails to comply with this requirement when imposing the election of species requirement. As the Examiner is aware, PCT Rule 13.2 specifies that a "special technical feature" is defined as meaning those special technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art. Although the outstanding Official Action cites to a publication in support of the lack of unity determination between the method claims and kit claims, the Official Action fails to

provide any such citation in support of the election of species requirement. Indeed, as recited in claim 4, the claimed method may utilize eight different DNA fragments which can be amplified using all eight primer pairs according to claims 7 and 8. Thus, it is believed that the primer pairs set forth in the claims relate to a single general inventive concept.

Thus, in view of the above, applicants respectfully request that the lack of unity determination concerning the election of species requirement be withdrawn. However, if for some reason the Patent Office maintains the election of species requirement, applicants believe that claims 1-6 and 8-11 read on the elected species.

Responsive to the requirement for submission of a Sequence Listing, imposed in the outstanding Official Action, the same is provided herewith, attached to the present amendment, in paper and disc formats. Applicants hereby state that the attached paper and computer readable copies have the same content, and introduce no new matter into the present application. Accordingly, applicants respectfully request the entry and consideration of the presence Sequence Listing.

In this regard, the specification and claims have been amended so that they are commensurate with the submission of the present Sequence Listing.

In view of the above, it is respectfully submitted that the above-identified application complies with the requirements for

patent applications containing nucleotide sequences and/or amino acid sequence disclosures.

Favorable consideration of this application is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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